

are hereby admitted to the full exercise of their trust as two of the Executors of the last will & Testament of Joseph LeBennett deceased late of our said County

This State of Texas ~~County of Navarro~~ The Last will and Testament of Joseph LeBennett of said County & State.

Know all men by these presents that I Joseph LeBennett of this place above stated do make and declare the following as my last will and Testament, First I do hereby appoint Leabron A. Bennett B. H. Dyer & Nat. Hart Davis my Executors Second I wish and will all my Just debts to be paid by my said Executors, Third I hereby appoint C. B. Stewart Isaac Tinsley and James Gillespie Trustees to partition and divide all my Estate Real, personal, and mixed and claims and demands of all and every kind (saving and excepting the property and Chattels hereinafter expressly otherwise disposed of) among & between my wife and Children in the following proportions viz One sixth to my beloved wife Elizabeth Bennett which I will and devise in Fee simple to her and her heirs and assigns forever, One sixth to my son Leabron A. Bennett which I will & devise in Fee simple to him and his heirs and assigns forever One sixth to my Daughter Julia Ann Clark wife of Joseph Clark which I will and devise in Fee simple to her and her heirs and assigns forever, One sixth to my Daughter Frances E. Dyer wife of B. H. Dyer which one sixth to my Daughter Frances E. I will and bequeath to her & her heirs and assigns forever in Fee simple One sixth to my Daughter Helen which I will and bequeath in Fee simple to her & her heirs and assigns forever One sixth to my Daughter Adeline which I will and devise to her & her heirs and assigns forever in Fee simple Fourth I hereby fully and completely authorize and empower the said trustees or any two of them to make with the aforesaid partition & division without applying to any Court or other Tribunal for an order or decree so to do, and entirely free and unincumbered from and by any Court or Tribunal or person or persons whatsoever in and about the said partition and division; but to make the same according to their own Judgment, having regard in partitioning and dividing the Land to Quality and Quantity Fifth Should any or either of the aforesaid Trustees refuse to act as trustees or die or otherwise become incapable of acting as trustee then and as often as it may be shown it is necessary

and will that the District Court of the County (in which
my will and testament shall be forever up) shall appoint
some trust worthy person or persons as Trustees or Trustees
to act in the place of and with the power & authority of
him or those who may be refused to act as Trustees or
do or otherwise become incapable of acting as Trustees
Sixth I wish and will my Executors to collect all claims,
demands and debts due me and to apply the same
or so much thereof as may be necessary to the payment
and satisfaction of my Debt Debts & the Legal & Just
demands and claims against me and if necessary
my Executors may sell or otherwise dispose of and in
such manner and at such times and places as they
may or shall deem best such parts or portions of my
Land or other property (not otherwise hereinafter specially
bequeathed) for the payment & satisfaction of my
Debt Debts & the Legal & Just demands & claims
against me. Seventh I specially will & bequeath
to my said wife all my household and kitchen furni-
ture and all the provisions on hand at the time of
my death for her own proper use & benefit,

Eighth it is further my will that such property
as I may have given in my lifetime to any of my
children and made a charge on mine thereof shall
be accountable for, by him, her, or them in the partitioning
and dividing my estate, & my Trustees shall charge him
or them with the same in making said partitions or division.

Ninth I further will that my Executors shall pay to
Matt Finch thirty Dollars, or may otherwise settle with
him in an equitable manner for his Soldier's claim.
a Certificate for three hundred and twenty acres of land.

Tenth I do further will that my Executors act, do,
perform the duties of their trust as Executors, as
directed in this will & the former duties as the Law
may or shall enjoin on their free from the control
of the Probate Court except the proving & recording this
will as the Law directs. I Joseph L. Bennett

being of sound and disposing mind & memory with a
knowledge of the uncertainty of life & the certainty
of death have and do make & declare the above

to be my last will and Testament
Witness my hand and seal this the

Twenty sixth day of September AD 1848

Attest

Wm L. Bennett seal

J. T. Cwary
B. M. Henderson
J. B. Rops

The State of Texas County Court
Tarrant County, October Term 1848

This day personally appeared in Open Court J. B. Rops, whose name appears as one of the subscribing witnesses of & to the will of Joseph L. Bennett now offered for Probate and on oath states that he saw Joseph L. Bennett sen- late of the County & State aforesaid subscribe his name to the paper writing marked with the letter (B) on the back thereof dated on the 26th day of September AD 1848 and attested as subscribing witnesses by J. T. Cwary B. M. Henderson & this officiant - That the same was attested by all the witnesses in the presence of each other, and of the Testator - on the day of the date thereof - and was executed by Testator in the presence of all & every of the witnesses on that date - & by him published & declared as & for his last will & Testament and that this officiant & the other subscribing witnesses attest the same at the request of the Testator - This officiant has been acquainted with the Testator for six years, and has been an intimate of his house for the last two years of his life and was with him during his last sickness - and from this source of information states with certainty & unequivocally that the said Testator (Joseph L. Bennett) was at the time of the Execution & attestation of said will - and all the time of his last sickness previous thereto - & afterwards up to the time of his death - of sound & disposing mind, free from any delirium & imbecility and capable of disposing of his worldly effects - That the same was executed & attested - at the late residence of the Testator - in the County and that the paper writing now exhibited in Court as & for the last will & Testament marked (B) is the same to all of which said J. B. Rops swears & calls God to witness

J. B. Rops

Sworn to and subscribed in Open Court the 30th day of October AD 1848

R. H. White C. C. C. C.

The State of Texas}
County of Navarro}

The last will and Testament of Joseph L. Bennett of said County and State.

Know all men by these presents, that I Joseph L. Bennett of the state above stated do make and declare the following as my last will and testament.

First I do hereby appoint Sebron J. Bennett, B.F. Dyer, and Nat Hart Davis my Executors.

Second, I wish and will all my Just debts to be paid by my said Executors.

Third, I hereby appoint C.B. Stewart, Isaac Tousey, and James Gillespie, Trustees to partition and divide all my estate, Real, personal, and mixed and claims and demands of all and every kind (saving and excepting the property and Chattal, hereinafter expressly otherwise disposed of) among a between my wife and children in the following proportions, viz:

One sixth paid to my beloved wife Elizabeth Bennett which I will and devise Fee simple to her and her heirs and assigns forever.

One sixth paid to my son Seabron Bennett which I will and devise Fee simple to him and his heirs and assigns forever.

One sixth paid to my daughter Julia Ann Clark, wife of Joseph Clark which I will and devise Fee simple to her and her heirs and assigns forever.

One sixth paid to my daughter Frances E. Dyer, wife of B.F. Dyer which one sixth to my daughter Frances E. I will and bequeath to her and her heirs and assigns forever in Fee simple.

One sixth paid to my daughter Lilian which I will and bequeath Fee simple to her and her heirs and assigns forever.

One sixth to my daughter Adaline which I will and divide to her and her heirs and assigns forever Fee simple

Fourth, I hereby fully and completely authorize and empower the said trustees, or any two of them, to make the aforesaid partition and division without applying to any court or other Tribunal, from an order or desire so to do and entirely free and uncontrolled from and by any court or tribunal or person or persons whatsoever in and about the said partition and division, but to make the same according to their own judgment, having regard in partitioning and dividing the land to Quality and Quantity.

Fifth, Should any or either of the aforementioned Trustees refuse to act as trustee, or die or otherwise become incapable of acting as trustee ----- and as often as it may so happen it is my wish

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(continued p 1) and will that the District Court of the County (in which my will and Testaments shall be forever of) shall appoint some trustworthy person or persons as Trustee or Trustees to act in the place of and with the powers and authority of him or those who may so refuse to act as Trustees or die or otherwise become incapable of acting as Trustees.

Sixth, I wish and will my Executors to collect all claims, demands and debts due me and apply to the same or So much thereof as may be necessary to the payment and satisfaction of my Just Debts and the legal and Just Demands and Claims against me, and if necessary my Executors may sell or otherwise dispose of and in such manner and at such times and places as they may or Shall deem best Such parts or portions of my land or other property (not otherwise herein after specially bequeathed) for the payment and satisfaction of my Just Debts and the legal and Just Demands & claims against me.

Seventh, I specially will and bequeath to my Said wife all my household and kitchen furniture and all the provisions on hand at the time of my death for her own purpose, use & benefit.

Eight, It is further my will that such property as I may have given in lifetime to any of my children and made a charge or minutes thereof, Shall be accountable for, by him, her, or those in the partitioning and dividing my estate, and my Trustees Shall charge him or those with the same in making said partition or division.

Ninth, I further will that my Executors shall pay to Matt Finch thirty Dollars or may otherwise settle with him in an equitable manner for his soldier's claim for three hundred and twenty acres of land.

Tenth, I do further will that my Executors act, do, and perform the duties of their trust as Executors, as directed in this will and the further Dictates as the Law may or shall enjoin on them from the control of the Probate Courts, except the proving and recording this will as the Law directs.

I, Joseph L. Bennett, being of sound and disposing mind & memory with a knowledge of the uncertainty of Life & the certainty of death have and do make & declare the above and foregoing my last will and testament. Witness my hand and seal this the (cont)

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Twenty sixth day of September A.D. 1848. Jos. L. Bennett

Attest

F.T. Curry

-- Henderson

L. B. Ross

The State of Texas} County Court
Navarro County} October Term 1848

This day personally appears in Open Court L. B. Ross whose name appears as one of the subscribing witnesses of and to the will of Joseph L. Bennett, now offered for probate, and on Oath States that he saw Joseph L. Bennett and late of the county and State aforesaid subscribes his name to the proper writing marked with the letter (B) on the back & thereof dated on the 26th day of September A. D. 1848 and attested as subscribing witnesses by F. T. Curry, -- -- Henderson, & this affiant—that the same was attested by all the witnesses in the presence of each other, and of the Testator – on the day of the date thereof – and was executed by Testator in the presence of all and every of the witnesses on that date-- & by him published & declared as afor his last will and testament and that this affiant and the other subscribing witnesses attest the same at the request of the Testator. This affiant has been acquainted with the Testator for six years and has been an intimate of his house for the last two years of this life and was with him during his last sickness – and from this means of information states with certainty & unequivocally that the said Testator (Jos. L. Bennett) was at the time of the Execution & attestation of said will – and at the time of his last sickness previous to thereto -- & afterwards up to the time of his death – of sound and disposing mind, recollection, and memory _____ and was capable of disposing of his worldly effects – that the same was executed & attested at the late residence of the Testator – in the county and that the paper writing now exhibited in court as & for the last will & Testament marked (B) is the same to all of which said L.B. Ross & calls God to witness.
L. B. Ross

-----and Subscribed in this court the 30th day of October A.D. 1848
R. S. White, CCC N. C

Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Also, the handwriting of the original scribes often lends itself to varying interpretations. Users of this database are urged to view the original and to make their own decision as to how to decipher what the original scribe actually wrote. Blanks appearing in the transcripts reflect words that cannot be transcribed in the original. Transcription provided by Helen Vaughan Michael and Tim Childress, July 2012. Copy of Will courtesy of Mary Bennett Lee.